

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2012 NOV -6 PM 9:33

CLERK
SO. DIST. OF GA.

WILLIAM H. CARTER
Plaintiff

vs

NCO FINANCIAL SYSTEMS
Defendant

Case No: CV 311-107

PLAINTIFF'S SUPPLEMENT TO MEMORANDUM
IN OPPOSITION TO DEFENDANT'S
MOTION TO EXTEND DISCOVERY DEADLINES

Plaintiff hereby enters his strong opposition to Defendant's Supplement to its Motion to Extend Discovery Deadlines filed on October 31, 2012 and requests this Honorable Court deny the motion and states as follows:

1. On October 25, 2012 Defendant filed a Motion for Extension of Time to Complete Discovery.
2. Plaintiff had voiced his opposition to Defendant's motion by email prior to its filing.
3. On October 30, 2012 Plaintiff sent via USPS his Memorandum in Opposition to Defendant's Motion to Extend Discovery Deadlines to the Court and to Defendant.
4. On October 31, 2012 Plaintiff received a telephone call from Ken Grace of Sessions, Fishman, Nathan & Israel L.L.P., informing him that lead counsel for defense, Keren Gesund had suffered a loss of her father and would be absent for two weeks. Mr. Grace stated that he would be assuming the lead on this action before the Court.

5. Mr. Grace stated that the depositions having been scheduled for November 1, 2012 would be moved back to a later date.
6. Mr. Grace stated he would be filing for Pro Hac Vice status in the case.
7. Mr. Grace stated he would be filing a supplement to Defendants Motion to Extend Discovery. That supplement was filed on October 31, 2012.
8. While Plaintiff holds profound sympathy for Ms. Gerund's tragic loss he is still adamantly opposed to the further extension of discovery in this case. Plaintiff must ask the obvious question; what has the Defense been doing for the nearly 120 days already spent on discovery. The protective order asked for has been deceitfully written twice. The incomplete answers to Plaintiff's first set of Interrogatories and Production of Documents have never been answered. Plaintiff's second set of discovery materials have as yet not been answered. Plaintiff has provided every scrap of information at his disposal to Counsel for the Defendant. There are two law firms involved and with the addition of Dale Van Hoose who filed Pro Hac on October 23, 2012 and now Ken Grace there have been seven attorneys and untold number of assistants for the defense. Even with the plethora of documents and deadlines imposed by Defendant, Plaintiff has been able to meet the scheduled deadlines for discovery without the benefit of resources such as the two law firms have.
9. Defendant had already propounded discovery on the allegations brought forth in Plaintiff's Amended Complaint filed October 1, 2012 during the initial discovery period and prior to the filing. Defendant was then granted an extra 60 days to continue discovery on the new claims.

10. In Defendant's latest supplement filed October 31, 2012 it is stated that Ms. Gesund has taken an indefinite leave of absence yet Mr. Grace informed Plaintiff she would be absent for two weeks. The current discovery deadline, after the Courts last extension, is November 16, 2012. Plaintiff contends that Defendant should have had more than ample time to complete discovery in this case and a further 60 days is frivolous, unduly burdensome and prejudicial to him.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court **DENY** Defendant's Motion for Extension of Discovery Deadlines so as not to prejudice the Plaintiff and place an unnecessary and extended burden on the Court.

Dated: November 2, 2012

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "William H. Carter", written over a horizontal line.

William H. Carter
311 Bethel Street
Eastman, Georgia
31023

CERTIFICATE OF SERVICE

This is to certify that I have mailed copies of the above document by first class mail USPS to all parties listed below.

Dated: 11-2-2012

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "William H. Carter", is written over a horizontal line.

**William H. Carter
311 Bethel Street
Eastman, Georgia 31023**

**NCO FINANCIAL SYSTEMS
C/O Glenn E. Jones
Hall, Booth, Smith & Slover, P.C.
3528 Darien Highway, Suite 300
Brunswick, Georgia 31525
(912) 554-0093**

Carter
311 Bethel St.
Eastman, GA.
31023

Clerk of Court
P.O. Box 1130
Augusta, Georgia
30903

U.S. POSTAGE
PAID
EASTMAN, GA.
NOV 03 12
AMOUNT
\$1.10
00030247-03



30903

1000

